

REVIEW OF REPRESENTATIVE FILES**WS-MK3**

Marketing Agent's Name	State Licensed?	Type of Training Received	What Statistical Performance Data in File?	Personnel Actions on Marketing Activities	Describe Disciplinary Actions Taken by M+CO

Standard: See Instructions.

Determination: Transfer results of this sample to the appropriate requirements at MK05 - MK07, (Prohibited Activities) AM01 - AM02, AM05 of the *Review Guide*.

- Marketing Representatives/Agents are paid: () salary; () commission; () bonus. Check all appropriate boxes.
- Is there a sales quota? If so, describe:

REVIEW OF REPRESENTATIVE FILES

WS-MK3

Requirement: In offering its product to Medicare enrollees, the M+CO contractor may not engage in prohibited practices: activities that are discriminatory; activities, including written or oral statement, which **materially** mislead, confuse or misrepresent the M+CO, the marketing representative, or HCFA; offers of gifts or payment as an inducement to enroll; **use providers or provider groups to distribute printed information comparing the benefits of different health plans unless all M+COs concur and have received prior approval by HCFA; accept plan applications in provider offices or other places where health care is delivered; employ M+C plan names that suggest a plan is not available to all Medicare beneficiaries (does not apply to M+C plan names in effect on July 31, 2000);** and door-to-door solicitation of Medicare beneficiaries (42 CFR ~~417.428(b)~~ **422.80(e)**). The M+CO must assure that its employees do not conduct prohibited marketing activities (42 CFR ~~417.412-422.501(b)(3)~~).

Purpose: To ~~assure~~ **ensure** that marketing activities are carried out by the M+CO in an appropriate manner. (NOTE: Based on information provided by beneficiaries/enrollees or other sources, are marketing activities being carried out appropriately? Is the M+CO following through on specific agent problems identified and assessing whether there is a systemic problem?)

Sample: (OPTIONAL) If the reviewer suspects there are problems, this sample should be taken. Determine the name of the marketing representative/agent from a review of enrollees' letters received at the Regional Office (Data Development Support Team (DDS) mailer, requests for retroactive disenrollment), the recent enrollment and HCFA-566 disenrollment samples. Review a sample of personnel files of 9 currently employed or contracting marketing representatives. Include in the sample any individuals identified from the sources mentioned above.

Column Explanations:

Marketing Agent's Name: Obtain through your review of recent enrollments or sample of HCFA-566 disenrollments or from beneficiary/enrollee inquiries.

State Licensed (if required by the state)? Obtain from the representative's personnel file. Determine state licensing requirements. Review the representative's file to determine whether the representative has met state requirements.

Type of Training Received: Look for documentation of completed training (as required by the health plan). Was training completed successfully? How is ongoing training documented in the file?

What Statistical Performance Data in File (related to enrollment/disenrollment)?: Does the M+CO keep track of enrollment and disenrollment rates for each representative? Record the levels reported. Are there other statistical data documented in the personnel file, such as accuracy of enrollment, complimentary letters and complaints from beneficiaries/enrollees?

Personnel Actions on Marketing Activities: Look for evidence of any disciplinary actions, retraining efforts, etc., that address inappropriate marketing practices or high disenrollment rates. Does the M+CO focus on problems associated with inappropriate marketing practices rather than lost enrollments (e.g., lost sales)? Does the M+CO use poor performance records as the basis for personnel actions against its representatives?

Describe Disciplinary Actions Taken by M+CO: Record the disciplinary action against the representative, if any; e.g., counseling, reprimand, suspension, termination. Were attempts made to counsel or re-train the representative before termination was taken? If the representative was terminated, record the date; note the length of time between initial abuse or high disenrollment rate and termination date. Did the M+CO follow its own procedures in disciplining the representative?